IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 156 OF 2006
IN
CRIMINAL APPLICATION NO. 5085 OF 2005
IN
CRIMINAL REVISION APPLICATION NO. 2 OF 2002

Shaligram Shankarrao Bendale. ... Applicant.

V/s.

Vasantrao Chanduseth Kalbhor
and another. ... Respondents.

Prashant Hagare i/b. Deepak Girme for the applicant.

U.V.Nikam, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 5th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The substantive revision application is directed against the order dated 31st December, 2001 passed in Criminal Appeal No.165/1998 by the Sessions Judge, Pune, whereby the appeal was dismissed and the order of conviction of the applicant and sentence for the offence punishable under section 138 of the Negotiable Instruments Act, passed by the Judicial Magistrate, First Class, Pune in Criminal Case

No.1616/1993 came to be confirmed.

3. This revision, which was placed before this Court for hearing on 1st July, 2005, was dismissed in default. Thereafter, it appears that application for restoration was moved being Criminal Application No.5084/2005.

4. Pending this application, the applicant took out another application being Criminal Application No.5085/2005 for the same purpose, i.e. for restoration of main revision application. When this application was placed for hearing on 14th November, 2005, none appeared for the applicant, with the application was dismissed for want of prosecution. The applicant took out Criminal Application No.8154/2005 for setting aside the order dated 14th November, 2005 and restoration of application, which came to be allowed vide order dated 22nd December, 2005 and Criminal Application No.5085/2005 came to restored subject to costs of Rs.3,000/-.

5. Thereafter, when this Criminal Application No.5085/2007 was placed for hearing on 22nd June, 2006. On that day, learned counsel for the applicant-Mr.Katane stated that he has no instructions to argue the matter, with the result, the said application again came to be dismissed for want of prosecution. In view of the dismissal of Criminal Application

No.5085/2005, Criminal Application No.5084/2005 also came to be dismissed being infructuous.

6. Thereafter, on 4th August, 2006, the present application being Criminal Application No.156/2006 is taken out for restoration of Criminal Application No.5085/2005. Since then the application is pending. No steps have been taken by the applicant to seek orders.

7. Considering the total history narrated hereinabove and callous and negligent attitude on the part of the applicant in prosecuting the present proceeding, no case is made out either to restore application for restoration or revision application. Application is, therefore, dismissed. The applicant/ accused, who is on bail vide order dated 3rd January, 2002, is directed to surrender to the impugned order passed by the Court below within 15 days from today, failing which, it would be open for the prosecution to take him in custody in accordance with law.

JUDGE